

Minutes
KITTY HAWK TOWN COUNCIL
April 7, 2014
Kitty Hawk Town Hall, 6:00 PM

Agenda

1. Call to Order
2. Moment of Silence/Pledge of Allegiance
3. Approval of Agenda
4. Presentations: First Flight High School Students (two groups)
Dennis DiRaimondo, Outer Banks Sporting Events Race Director
Janis Collins, Kitty Hawk Landing Association President (Installation of Dry Fire Hydrants)
5. Public Comment
6. Consent Agenda
 - a.) Approval of March 3, 2014 Council Minutes
 - b.) Revenues and Expenses Report for February 2014
 - c.) Government Education Access Channels Committee FY 14-15 Budget
7. Items Removed from the Consent Agenda
8. Public Hearings:
 - a.) Text Amendment: Application to amend Subsection 42-250(d)(6) by creating an exemption from the 35 foot maximum height requirement for roof access structures in the Beach Commercial (BC-1) zoning district.
 - b.) Text Amendment: Application to amend the Kitty Hawk Town Code by adding Subsection 42-250(c)(34) allowing "vehicle rentals" as a conditionally permitted use in the Beach Commercial (BC-1) zoning district, subject to certain conditions.
9. Planning:
 - a.) Site Plan Review: Hurricane Mo's Deck Addition, 120 E. Kitty Hawk Road - Application for site plan approval to add a two-story deck with a roof and connecting covered walkway at Hurricane Mo's, 120 E. Kitty Hawk Road. The proposed expansion would add 1,152 square feet of decks (576 square feet on each level) and an approximately 60 square feet of covered walkway between the deck structure and the existing restaurant.
10. New Business:
 - a.) Award of Bid for Poseidon and Goosander Area Streets Emergency Pumping Facility
 - b.) Planning Board Appointment
 - c.) Amendment to the Town Code: Chapter 10, Emergency Management
 - d.) Petition to Reduce Speed Limit on West Lillian Street
 - e.) Capital Improvement Plan Fiscal Years 2015 to 2019 Approval (*Removed*)
11. Reports or General Comments from Town Manager
 - a.) Update on Beach Nourishment Storm Damage Reduction Project
 - b.) CAMA Grant for Lillian Street Beach Access Parking
12. Reports or General Comments from Town Attorney
13. Reports or General Comments from Town Council
14. Public Comment
15. Adjourn

Kitty Hawk Town Council Minutes: April 7, 2014
Page 2

COUNCIL MEMBERS PRESENT:

Mayor Gary Perry, Mayor Pro Tem Ervin Bateman, Councilman Craig Garriss, Councilwoman Emilie Klutz and Councilman Jeff Pruitt

STAFF MEMBERS PRESENT:

Town Manager John Stockton, Town Clerk Lynn Morris, Town Attorney Steve Michael, Finance Officer Charlene Allen, Management Assistant Melody Clopton, Planning Director Joe Heard, Police Chief Joel Johnson, Fire Chief Lowell Spivey and Public Works Director Willie Midgett

1. Call to Order

Mayor Perry called the meeting to order at 6 p.m. and welcomed everyone in attendance.

2. Moment of Silence/Pledge of Allegiance

Following a moment of silence the Pledge of Allegiance was recited.

3. Approval of Agenda

Mayor Perry removed item 10 (e) from the agenda and stated it will be discussed during the budget workshop in May.

Councilwoman Klutz moved to approve the agenda as amended. MPT Bateman seconded and it was approved unanimously, 5-0.

4. Presentations

First Flight High School Students Making a Difference in the Community

- **Group One:** Graham Smalley, Reid Kelly, Heath Spry, and Jack Milby suggested construction of a walkway or path along NC 12 to improve pedestrian safety.
- **Group Two:** Justin Savage, Ricky Carroll, Carla Hardy, Kelly Weisbecker and Hunter Savage made a presentation on using reflective pedestrian-carried flags when crossing at intersections to improve safety.

Outer Banks Sporting Events

- Dennis DiRaimondo, OBSE Race Director and Lynda Wood, Executive Director, gave an overview on the economic value to Kitty Hawk of all of the events held by OBSE. They thanked council for their support and presented a signed, original print to the town.

Kitty Hawk Town Council Minutes: April 7, 2014
Page 3

Janis Collins, Kitty Hawk Landing Association President (Installation of Dry Fire Hydrants)

Collins: Good evening. I am here tonight to make you aware of our current need to increase our resources in firefighting at the Landing. Last February Don and Carol Davis's house in the Landing was destroyed by fire. It was after this catastrophe that we became aware of the immense value of water in fighting a fire. Our firefighters had lots of hose and pumping equipment however when an additional hose was connected to an additional hydrant and turned on the in-use aerial sprayer from the ladder was dramatically reduced. Their ability to augment the fight with the hoses to additional hydrants was self-defeating as they were drawing from the same non-looped six inch waterline. We are all dead end streets back in the Landing so our service is a six inch water pipe that comes off and supplies the hydrants but when we need more water for a fire we don't have the pressure needed to put out a fire of this magnitude.

We were very much pleased the wind that day was down so it would not affect the homes that were nearby. Ironically we are surrounded by canals full of water and those of us witnessing this realized it was a wakeup call. After months of research and many discussions with Chief Spivey and the US Department of Agriculture it was found that we could supplement our firefighting supply by using dry hydrants. These hydrants are capped pipes and are built with an eight inch underground pipe running into the canals. Our fire department pumpers could connect rapidly to the street side connection and deploy substantially more waterlines toward the fire. The cost for similar installation ranges from \$3,500 to \$9,500 for each installed dry hydrant. Dave Hilton our Vice President of the association worked diligently in cooperation with Chief Spivey to assemble the specifications and develop nine appropriate sites. I have met with the association attorney to discuss the easements and the liabilities.

Another option would be to bring in another waterline to the Landing junction. There is another six inch line that goes to Rogers Street by the cemetery. If we brought that line into the beginning of Ivy we could then bring in another supply and we could run that down Pineway and tunnel under the canal and loop it. If we were to loop our lines back there we would increase the water supply. However that is a much more costly idea but it is one that would also help. This would increase the water value and maintain pressure levels. There would be no dead end legs.

We are now ready to discuss the options and look for resources. I met with Joe Heard, John Stockton and Chief Spivey last Wednesday and I am meeting with Bobby Outten and Ken Flatt from Dare County on Friday morning at 10 o'clock. We are making you aware of our efforts on this project tonight to solicit your support to undertake this effort.

You should also know that in addition to this effort we have undertaken steps to participate in the North Carolina Forestry service Fire Wise Program. While researching

Kitty Hawk Town Council Minutes: April 7, 2014
Page 4

for grant money we were approached by the US Forestry Department. They thought they would have about \$8,000 in a grant program if we became a Fire Wise Community. They have Fire Wise Communities in Currituck County but none in Dare County. I met Rob Stockton and this Wednesday Rob and Gary Wood from the US Forestry Department are coming out to do an assessment of the Landing. We make up 194 families back there and it will be a seven point process but we are going to begin it. We are going to have a picnic in May and the forestry department will come out and speak to everybody on this program. We are going to try to get the homeowners to cooperate by putting their numbers on their mailboxes for visibility and also to look at the vegetation growth and things around the home that would reduce the flammable material. And of course if we accomplish this we could become one of the first in Dare County for a Fire Wise Community.

We have a package and John Stockton and Joe Heard got it last week. It is extensive and shows the above ground installations, the hydrant and a statement of work. We have put together exactly what we need to build these dry hydrants and we discussed the differences between \$3,500 and \$9,200. They have one in Powells Point and the cost by RPC was \$9,200. They went in and they did it all. The materials are almost less than \$3,000 and our thoughts are if we can get the town and the county to help us put this in we can get the labor. We could do it as a project. If the town or the county has some equipment to dig the trenches we have certainly enough people that can put pipe together and help do a project to meet the end cause of putting in these nine dry hydrants that we so desperately need.

Also, in today's paper, just along that same line, they have the foundation stones from the Hatteras Lighthouse and they have been sitting in the sand and they have been waiting for somebody to raise money to help move them. Finally they decided that the Park Authority has the equipment and they are going to move the stones. So it is much like us. We have the equipment and maybe it could be a team effort.

Perry: *Thank you. That is a lot to digest and I am not sure how much the town can participate but we will look at your package and go from there. When this came to my attention I spoke with Chief Spivey to educate myself on what the system is out there and to that end I am going to ask him to come up to the microphone because I have some questions and want them on the record.*

Question number one. Kitty Hawk Landing is serviced by one of the best looped water systems in Kitty Hawk is that correct?

Spivey: *That is correct. Counting the waterline that goes through Kitty Hawk Woods.*

Perry: *How are the waterlines coming to Kitty Hawk Landing? They are coming through the woods and Kitty Hawk Road?*

Kitty Hawk Town Council Minutes: April 7, 2014
Page 5

Spivey: *Yes sir. That is correct.*

Perry: *And they terminate where in that loop?*

Spivey: *The one that comes through Kitty Hawk Woods terminates at Rogers Street and West Kitty Hawk Road. Right at the corner of the cemetery is where that line terminates or it ties back in I should say.*

Perry: *This looped system provides both a secondary source of firefighting water should the primary line fail and a constant volume within the capacity ... or capability of the water to flow within the pipe to the fire equipment. Is that a correct statement?*

Spivey: *Yes sir. I would say that is correct.*

Perry: *Was water supply an issue in the house fire referenced in the presentation?*

Spivey: *Tonight in her presentation?*

Perry: *Yes.*

Spivey: *She said water flow was insufficient for firefighting yes sir.*

Perry: *All right. If not, was the main issue a delay in the homeowner calling for help or fire department response?*

Spivey: *That I am not sure. There was a delay. I am not sure how long that delay was.*

Perry: *In calling for help?*

Spivey: *Yes sir.*

Perry: *And any time there is a delay of that nature then the setup ... the time it takes to respond and any water issues makes it harder.*

Spivey: *Any time a free burning fire is left to burn it doubles in size for every minute that it is left.*

Perry: *If you find a need for additional water at any location in Kitty Hawk can you call upon the Dare County water system to raise overall water pressure during the event in order to add capacity to your fire equipment?*

Spivey: *Yes sir and we do that on every fire.*

Kitty Hawk Town Council Minutes: April 7, 2014
Page 6

Perry: *And they are pretty good about coming on line?*

Spivey: *They come on line and turn the pumps on to increase pressure. That is correct.*

Perry: *Please explain as briefly as you can what the municipal requirement is for water supply and does the county meet the state standard?*

Spivey: *I am not educated on the standard but I do know that Dare County meets the North Carolina State standard on the water system. The system is designed for domestic use. Anything left over is used for fire protection.*

Perry: *All right. So they don't design for fire protection. It is all for consumption based use by residents or businesses or whatever.*

Spivey: *Mostly. Yes sir.*

Perry: *If the town installs an additional fire hydrant water system beyond what the county has installed is it likely other sections of town, not as well covered as Kitty Hawk Landing, would expect upgrading with looped systems or increased waterlines? I am thinking in particular the issue we had over on Worthington Lane.*

Spivey: *I would expect the other communities would want an increase yes sir.*

Perry: *Would accommodating such requests for upgrade be costly beyond the limited sources of revenue for this town if you were doing for all that might request it?*

Spivey: *Are you talking about doing looped systems?*

Perry: *Yes.*

Spivey: *Without question. Yes sir.*

Perry: *Should dry hydrant installation at Kitty Hawk Landing be considered a high priority?*

Spivey: *I would consider it to be a priority if that community wanted to take it on. It would certainly improve the available water that they have for fire protection.*

Perry: *All right and this is my last question. Steve if they wanted to take it on and fund it through a homeowners association or a special assessment is that something that is possible?*

Michael: *It is. They are going to have to have easements to put everything in but they could do it.*

Kitty Hawk Town Council Minutes: April 7, 2014
Page 7

Perry: *And if they asked the town for a special assessment for that part of the community to do it is that something we could do?*

Michael: *You certainly have the ability to do that.*

Perry: *All right so we have explored the options and we have some information. Does anyone else have any questions?*

Klutz: *I have one that is a follow up to the one you asked about. If you need additional water does the Dare County water system raise overall water pressure during the event to add capacity to your equipment? They did during that fire and it was not enough is that ...*

Spivey: *That is correct. It was not enough and we request every time we have a working fire regardless of where it is in town.*

Klutz: *So it wasn't enough because of how involved the fire was at that point or would it not have been enough just because of the nature of the equipment and the usage of the water?*

Spivey: *It is the nature of the fire. It is the size of the fire and what we are trying to do. We have to have sufficient water to consume the BTU's of the fire.*

Klutz: *The reason behind my question is I remember a fire that took place in Sea Scape. I could see it burning from my front deck. It was at night and the new ladder truck, it was new at that time, was there and it did not appear there was a lot of water coming out of the equipment. Is the water pressure sufficient to satisfy the requirement of getting it up top and coming down on any fire? Have you had any problems with that?*

Spivey: *Yes. As a general rule there is not enough water to supply that master stream in Kitty Hawk. That is correct.*

Perry: *All of Kitty Hawk?*

Spivey: *All of Kitty Hawk.*

Garriss: *Just for the record were you using the same truck mentioned in the presentation tonight? Which truck were you using?*

Spivey: *I think you are talking about the one that was on the cul-de-sac of Link Side?*

Klutz: *Yes.*

Spivey: *That would have been the telesquirt we were using there. We had a thousand GPM nozzle on it. There was not enough water. Again, that is on a dead end and almost the same*

Kitty Hawk Town Council Minutes: April 7, 2014
Page 8

situation. The ladder we used on the Davis house was our newer ladder that has a twelve hundred GPM nozzle and it is like she stated. We had to pick and choose whether we were going to use the aerial device or use the hand lines on that fire and like I said that fire had a pretty good head start when we got there and there was really nothing else we could do. We did have the opportunity to use all available water on that structure. The exposures on that house were not a problem. The night that you are talking about we did have an exposure problem with the wind blowing sparks on the flat top house down below the hill of the house that was on fire. What we are trying to do is confine the fire where we find it and that is what every fire department is trying to do.

Bateman: *I guess what you are saying chief is this is not an issue that is isolated to Kitty Hawk Landing. This is an issue that is all over Kitty Hawk.*

Spivey: *It is and the system belongs to the county. They have put six inch lines in and it meets the state standard and it generally meets all of your domestic needs.*

Bateman: *My next question and I know you're not Kill Devil Hills or Southern Shores but is it the same issue in those town's also?*

Spivey: *Southern Shores has an excellent looped system and they generally do not have the water problems we have in Kitty Hawk. Nags Head has made some improvements in their system by adding a water tank down south and adding a fire station there but the water tank itself has increased the water pressure.*

Perry: *Anyone else?*

Collins: *(speaking from the audience) We know we have a problem. We have dead end streets we don't have enough _____ in a situation. We didn't lose any lives this time. This is something that is not going to go away. We spent a year researching it and we have a way to fix it. We have people who are willing to help in any way possible and we can get it done for a lot less money than running new lines out there. I don't know how you can know that there is a wrong and not look at it and determine a way that we can remedy it. And not only that, but this is a wakeup call to all the other communities that might be in the same situation that we are. You don't want to shovel this under some place without looking at Kitty Hawk Landing ... and is there another place on Worthington that has problems and how can we fix it? If Nags Head is looking at their problem and putting in supplement water areas we need to do that. I am going to talk to the county on Friday and tell them this is a wakeup. With the money we have for public utilities and these are taxpaying people we need to know that we have water when we have a devastating fire. Like I said we did not have a windy day that day but if the wind had been blowing, those two houses next door, with the amount of water we had, and I was there, and I watched it all and I took those pictures. Those houses would have been gone too.*

Kitty Hawk Town Council Minutes: April 7, 2014
Page 9

Perry: *We understand there is a problem and that is what I was trying to get to with the rest of council to make sure we are all educated on what you are asking. Are there are any possibilities to accomplish what you want. We will look at it from that point of view and now we are all better educated on the whole subject. Thank you. Moving on to public comment.*

5. Public Comment

1.) David Hunt: *My name is David Hunt and I am a resident and business owner in Kitty Hawk. As most of you know I own the Romance Store and we just celebrated our third anniversary. I wanted to thank a couple of people in particular Councilwoman Klutz and Mayor Perry. When I first opened there were some obstacles to overcome and Mr. Heard was very helpful. We just signed another 36 month lease and we are planning on being here for a while. I also want to announce we are opening another business next to it. It is the Outer Banks Hilarious T-shirts. We will be doing some novelty T-shirts and short run T-shirts for businesses and that type of thing. I hope I have been a contributing member to this society and to the town and again I want to thank everybody for their help and hope that your worst fears were not realized.*

Perry: *Thank you. Does anyone else wish to speak? Let the record show no one else came forward.*

6. Consent Agenda

a.) Approval of March 3, 2014 Council Minutes. *(An affirmative vote for the consent agenda will approve these minutes.)*

b.) Revenues and Expenses Report for February 2014. *(An affirmative vote for the consent agenda will acknowledge this report.)*

c.) Government Education Access Channels Committee FY 14-15 Budget. *Due to a corrupted file the FY 14-15 budget that the town council approved on March 3, 2014 in the amount of \$668,607.58 was incorrect. The amount of \$698,867.52 has been submitted for approval. (An affirmative vote for the consent agenda will approve this corrected budget.)*

MPT Bateman made a motion to approve the consent agenda. Councilman Garriss seconded the motion and it passed unanimously, 5-0.

7. Items Removed from the Consent Agenda

There were no items removed from the consent agenda.

8. Public Hearings

Councilwoman Klutz made a motion, seconded by MPT Bateman, to go into public hearing. The vote was unanimous, 5-0.

a.) Text Amendment: Application to amend Subsection 42-250(d)(6) by creating an exemption from the 35 foot maximum height requirement for roof access structures in the Beach Commercial (BC-1) zoning district.

Heard: *Good evening. The first item we have is a request submitted for a text amendment to add a new subsection 42-7(c) which would create an exemption from the 35 foot maximum height requirement for roof access structures in all beach commercial zoning districts subject to certain conditions. Before we get started I have some photographs to show what we are talking about. It is a structure that would cover a stairwell coming up through a roof. If you have an internal stairwell so that people can go up and access the roof you need a structure over it to basically make it a weather tight situation. I have a few examples of what that can look like and we also have one local example nearby at Metro Rental in Kill Devil Hills.*

The applicant's original proposal was to change the standards in our BC-1 district and it was a relatively simple proposal. The applicant had proposed to add roof access structures to a list of structures that were exempt from the height standards that the town has. We do have exemptions for things like chimneys, flag poles, communication mast aerals and this would just be another exemption. We also have an exemption for small, up to four feet, architectural features like a cupola or widows walk.

As the planning board, over a two month period, took a look at the proposal they identified a number of other things that a proposal like this needed to address. They did not like that it was open ended so there were discussions and the board members and applicant agreed after those discussions there were additional concerns. So this proposal has changed as a result of those meetings and it now includes a variety of other things. First of all we added a definition for roof access structures. That definition was done in an attempt to nail down what that is so no one could go in after the fact and try to build a large sunroom and say it is a roof access structure.

Then the board looked at a number of potential conditions that are part of the proposal before the council this evening. First of those is that the exclusion shall be limited to a maximum of one roof access structure per building. That means if the Dune Shoppes, or any shopping center at 35 feet, would not be able to put one of these over every business in the shopping center. It would be limited to one location where that access could occur. Secondly, a roof access structure can be no taller than eight feet in height measured from the roof to the highest point of the structure. This was an attempt to limit how tall something could be so somebody would not try to do something extreme. Eight feet was considered large enough. There was an architect present, actually there were two if we want to count our Chairman, and between them noted that eight feet would be plenty sufficient for this type of structure. Third is the maximum size of the roof

Kitty Hawk Town Council Minutes: April 7, 2014
Page 11

access structure at forty-eight square feet. Again, what the board was seeking to do is create something large enough to accommodate a typical structure but not allow it to be large enough to really be used for any other functional purpose. Finally the board entered into some discussion about the requirements if people were allowed up on a roof. There are building code requirements for railings so the board recommended a fourth condition. The railings are required to enclose a roof top area and are also excluded from the maximum height limitations. Those railings are required to be a least four feet in height and they noted they would be permanently attached, would be considered part of the structure and would be an exemption as well.

Perry: *On that issue. They have to be a minimum of forty-two inches high but if I'm reading this correctly they could be any height. Eight plus feet or whatever the applicant wanted to put them. Is that correct?*

Heard: *That is correct.*

Perry: *He could have an eight foot access structure and an eight or nine foot fence for whatever reason he might want.*

Heard: *The way it is currently worded that is correct.*

Perry: *And the railing could go around the entire perimeter of the building rooftop.*

Heard: *It could. It would encircle whatever the defined rooftop area is where people would be allowed to go. It could conceivably be that large.*

Perry: *And who decides that definition? He decides the whole roof or a part of it and then you accept it. How does that work?*

Heard: *Depends on the circumstances. Generally there is no limitation on that. It would be a combination of the engineering of the roof itself. A roof has to be engineered to support people so if there are certain areas of the roof where that could occur and not occur that would define it. The applicant could also self-impose a limit and their reasons for that ties back to the fire code and requirements as far as how many people could be up there at one time. There could be other technical reasons why it would be limited.*

Klutz: *The forty-eight square foot roof access structure, which can be only eight feet high or less, could result in a whole new structure being built on the roof that could have a height higher than that roof access structure. Is that what you are saying?*

Perry: *Just the railing. The way it is worded railing was excluded from height so it has to be a minimum of forty-two inches high but it could be much, much higher than that because there is*

Kitty Hawk Town Council Minutes: April 7, 2014
Page 12

no limit. And depending upon what is being asked for and would be proposed on the roof it could be the entire perimeter of the roof at whatever height is decided upon.

Bateman: *Also, according to this, the North Carolina Fire Code or the Building Code does not regulate a maximum size of the area.*

Perry: *That is correct.*

Heard: *Those are the four conditions. During the discussion the board made a point of changing the original proposal and the applicability of the text amendment to just the BC-1 district. The board determined that if we are going to allow it in BC-1 it makes sense it should also be allowed in the BC-2 and BC-3 districts. They broadened the recommendation that you have before you to include all of the beach commercial districts.*

The applicant in this case, who is present, Tim Cafferty, has expressed an interest in installing a roof access structure to cover the entrance to an internal stairwell that would provide access to the roof of the three story building where Outer Banks Blue Realty is located at 3732 North Croatan Highway. You will recall that is the building that was built as the Bank of Commonwealth. This building, when it was constructed, is at the absolute maximum of 35 feet so any structure that increases the height of it would bring that building out of compliance and that is the rationale for Mr. Cafferty's proposal.

I will close by mentioning the planning board at their meeting on February 13th voted unanimously to recommend approval of the proposed text amendment to add a definition for roof access structures which would also create an exemption from the maximum height requirements for those structures subject to the conditions I mentioned earlier. That is all I have for you on this.

Perry: *Tim would you like to give us some edification?*

Cafferty: *I am Tim Cafferty and as Mr. heard indicated it was a simple request. As you know I purchased the building that was the Bank of Commonwealth and I bought all that comes with it. There was certainly history there, a bit of a stigma quite frankly, and I have gone to a lot of lengths to try to be a good citizen and actually just completed a renovation of the property which I think increases the commitment even more.*

As it relates to this particular issue there is a hatch cover that gives me access to the roof. The building is going on six years old believe it or not and we are starting to see some issues relative to deferred maintenance. I have ten condensing units for the air conditioning system located on the roof of the building. We have had to replace two of those in the last year. It is mind boggling difficult to get those units up there. We literally had to have eight men hoist them through the hatch cover. So it occurred to me, for maintenance, it is a necessity and clearly this would solve

Kitty Hawk Town Council Minutes: April 7, 2014

Page 13

my issue. There are no real intentions of some kind of a Chamber mixer or something like that going on.

When you provide access to a roof then you need to think about safety and Joe appropriately brought that to my attention. I would certainly be willing to do whatever is necessary. It is a pretty large structure now with the renovations. I am over 17,000 square feet of heated area in the building and so the roof area is quite large. I would be amenable to whatever restrictions you think are appropriate and I will be glad to answer any questions.

Perry: *Didn't I read that some sort of gathering was what was intended up there?*

Cafferty: *I would certainly like to provide ... I mean there is no nefarious plot about gatherings or what have you but if I have access to the roof I would certainly like to use it. It might be an employee having their lunch up there enjoying the view. It is spectacular. That would certainly be something I could see. I don't see a large gathering by any means. I could see a couple of people being up there at any given time.*

Perry: *It certainly is a big building and it takes up every square inch of useable space by code both in size and height. Anyone else have comment on this?*

Hunt: *As you know my business is located directly across the street from the building and I would like to compliment him on the changes he has done. It was vacant for a long time and I have absolutely no objection to having a little piece up on top of that building I don't think it would be an eyesore at all. I would be in favor of it.*

Perry: *Thank you. Anyone else? (No one else came forward.)*

Pruitt: *Joe it seems to me by permitting the gathering slash roof access as well as the railing to be exempt from the height code we are going to open up an irreversible situation. Businesses, if they meet all the codes of fire, parking and all that, they will be able to do this on top of all the roofs in the town's BC commercial zones. Is that correct?*

Heard: *Subject to site plan review by ... if it is an expansion of space the council could review that but if it is a permitted use and the applicant meets all of the standards then the council really has limited options. You cannot really deny it if it meets all of the standards so I guess my answer to that would be yes.*

Pruitt: *As well as conditional uses provided that they meet the conditions.*

Heard: *That is correct.*

Pruitt: *And all of this taking place on all roofs in the BC districts?*

Kitty Hawk Town Council Minutes: April 7, 2014
Page 14

Heard: *Yes. As long as it complies with the applicable development standards that is correct. Those things could potentially occur on any roof.*

Pruitt: *That is a lot of potentials.*

Garriss: *I think I am going down the same road Jeff is going. I'm afraid if we allow this we are going to have problems in the future. Knowing Mr. Cafferty like I do I know it would be a well-built, very attractive addition that he is planning though.*

Perry: *Does anyone have any more questions of the applicant or Joe? (There were no more questions.)*

Councilman Garriss made a motion to return to regular session. Councilman Pruitt seconded the motion and it passed unanimously, 5-0.

Perry: *Tim, I am going to direct this to you. When I first came on council we had some issues a little different than this and I actually sat down, because I felt like I needed more knowledge, and I went through 25 years of minutes for Kitty Hawk. In fact, believe it or not, it interested me enough to read another five years of the county records which were very hard to find I might add. The most divisive thing I found in that research was height. Back when the county owned this place and they were giving it away to developers the height was at 25 feet but we had flat top roofs, trailers on the beach and 25 foot wide lots. The issue of raising the height came up and 35 feet was settled on years and years ago and it was a very contentious affair. Even today staff will go out when a new building is being constructed, residential or otherwise, because we have had people look at the building as it is being constructed and say it looks like more than 35 feet. We require a survey before they finish the roof so we can assure the person who is complaining and the person that is building it they don't have to lop it off like RA Hoy had to do. That building had to be lopped off to meet the 35 foot height. It is a very divisive issue in the town and I for one am not satisfied that the people will allow us to go much higher than we are right now. When they decide we can do it I am on board. I will go there but we are not there yet. With the potential that roof is built at exactly 35 feet and anything added on top is going to cause that issue to be raised again I am not willing to go there because you could build a railing and that railing could be solid. It does not have to be an open railing and it could be any height. And the structure you put up there is going to be seen and commented on and cause issues within the town. I am not going to vote for this based on the issues. The point that was made is an excellent point where if we did this it opens up every commercial area in the whole town and that is a potential I don't see we could justify. Not at this time.*

Pruitt: *I can certainly understand there is a need to get onto the roof and get equipment up there but by doing this the door will be opened up way more than to just access for mechanical.*

Perry: *Do I hear a motion one way or the other?*

Kitty Hawk Town Council Minutes: April 7, 2014
Page 15

Councilman Garriss made a motion to deny the proposed text amendment adding a definition for roof access structures in a new subsection 42-7(c) to the Kitty Hawk Town Code creating an exemption from the 35 foot maximum height requirement for roof access structures in all beach commercial zoning districts. Councilman Pruitt seconded the motion and it passed unanimously, 5-0.

Perry: Sorry Tim. You went to a lot of trouble. I will say the issue of flood height and being able to raise a building higher based upon flood base is one that we have tackled before and the citizens weren't ready for it but at some point that has to be addressed. I know that and I think the rest of us do. So the citizens of Kitty Hawk have to tell us they are ready to look at something a little bit higher and maybe base it on base flood or something of that nature.

b.) Text Amendment: Application to amend the Kitty Hawk Town Code by adding Subsection 42-250(c)(34) allowing "vehicle rentals" as a conditionally permitted use in the Beach Commercial (BC-1) zoning district, subject to certain conditions.

Councilman Garriss made a motion to go into public hearing. MPT Bateman seconded the motion. Vote was unanimous, 5-0.

Heard: This amendment proposes to add a subsection 42-250(c)(34) that would allow vehicle rentals as a conditionally permitted use in the BC-1 zoning district subject to certain conditions as outlined in the staff report. Presently vehicle rental operations are not specifically listed as a permitted use in that BC-1 district. The applicant is proposing to add it as a conditional use subject to the following three conditions. First is that all rental vehicles must be properly parked within designated parking areas on the site per an approved site plan. The intent of that is someone renting vehicles does not go out and park them in the yard in front of the parking lot along the highway or something like that. They have to be in designated approved parking spaces. The second condition is rental vehicle repair and or maintenance shall not be performed on site unless as part of a vehicle repair operation that has been approved for the site. The intent is hopefully self-explanatory as we did not want this to evolve into something larger than just vehicle rental. The third item is not more than seven rental and or customer vehicles may be simultaneously parked on the site. That is intended to limit the scope and limit the size of this type of business.

In reviewing this application the planning board, at its meeting on February 13th, voted unanimously to recommend approval of the proposed text amendment allowing vehicle rentals subject to the conditions I just stated. I will be glad to answer anything else in more detail but that is all I have for you this evening.

Pruitt: *Even though only seven vehicles are asked to be permitted on this site it is an unknown number of vehicles that can be involved in this rental business. Is that correct?*

Kitty Hawk Town Council Minutes: April 7, 2014

Page 16

Heard: *That is correct. Conceivably someone could maintain a large fleet of vehicles located off site but there would be no more than seven customer or rental vehicles on the site at one time.*

Pruitt: *But it could be a steady rotation seven, seven, fast as you can get them in and out. So we are not talking about seven leaving and staying gone. This could be a steady rotation of as much as a hundred and fifty if they had that many. There is no number.*

Heard: *Conceivably and correct there is no maximum for the business as a whole. Just what is on the site at any one time.*

Klutz: *One of the things that just occurred to me is I do not understand why a conditional use is needed for a vehicle rental business. In looking at the code, the way it is currently written, under retail there is an automotive parts retail that specifies it is an automotive parts not to include vehicle repair or service. Under the service type business that is available for the BC-1 district it would appear we could actually satisfy all of the conditions that are in this with the exception of the total number of vehicles but all of the conditions which are in the conditional use by just developing some parking standards that would satisfy the requirement for the vehicles being in their spaces. A vehicle rental business I really don't think has the kind of characteristics that require all of this additional scrutiny. I understand the applicant wants to address things that would support a particular business he wants to put at the site. I did go over there and could see there were seven parking places along the northeast corner and there is the business that is currently closed ... and I couldn't really see where the kiosk was being placed but to put it into the code as a conditional use to satisfy one businesses requirements I feel if there is nothing wrong with having a vehicle rental business in town, having it as a permitted use, with the standards in place would effectively limit the size of the operation based on the site. Where it was going to be located would be a better way to do it.*

Perry: *Okay but before us today we have request to do something that is not germane to that.*

Klutz: *Because it is not using the whole site and I think that is the issue here.*

Perry: *That was the same issue with why we denied Beach Ready Auto Rental. If we were to approve this would that not allow him to do the same thing? What would make him different from this particular one?*

Heard: *As council may recall Beach Ready Auto was requesting approval for a conditional use permit to establish an auto repair business. The applicant was proposing to have as an ancillary use to do some vehicle rental and the council in reviewing the application was comfortable approving the repair business with conditions but did not feel the rental business was warranted at that time and denied it figuring there could be some other issues spun off from it. If this text amendment was approved as drafted by the applicant or something similar as a conditional use then the owner of Beach Ready Auto could come back in and request a conditional use permit to add that use to his business.*

Kitty Hawk Town Council Minutes: April 7, 2014

Page 17

Perry: *And under that condition we would be hard pressed to say no given this new tactic.*

Heard: *If the applicant complied with the standards and based on my knowledge of the site I would say it is likely they could comply with all of the standards.*

Perry: *And in addition, because of the way this is proposed, any strip mall in Kitty Hawk under this commercial district could do the same thing.*

Heard: *Potentially. They would have to have a presence in a unit. There are very few of our shopping centers that have any excess parking that could really accommodate anything additional above and beyond just filling those units so it would be very limiting.*

Perry: *That's only because they are maxed out. Not that two or three tenants could move out and then the whole thing change so we would be opening up, very much like the last text amendment we were just dealing with, the potential for something throughout the town that perhaps we don't want and you are saying ...*

Klutz: *What I am saying is and I guess what is confusing me is that site is being looked at as if it is a shopping center. There would be different uses on there. A gas station, a fruit stand and so this would be treating it as though it were a shopping center and I guess you could say that the treatment is applicable because there are three different actual units there and so to use the example of the auto repair that was in a strip mall. That had individual units so certainly an individual unit could be used to set up the rental business. I guess the point I was making was that a car rental business per se, if it is in a location for instance like the Enterprise Rental in Kill Devil Hills, doesn't require a lot of scrutiny for the characteristics of that business ... people come in, they fill out the paperwork, they take the car and go, but this is just ... would we object as a council for a car rental business to take a unit in a strip mall if it had sufficient parking? You know I do not see a problem with that I guess is my issue.*

Perry: *Is the applicant present?*

Gene Martin: *Good evening. I also own Kitty Hawk Car Wash. I will answer any questions the town council has. I presently have the jeeps parked for business at Sunny Plaza in Kill Devil Hills. I am allowed five jeeps there and there are only five jeeps there. I have a total of seven jeeps and two of them are parked off site. I do not have the wherewithal to have a hundred and fifty cars or whatever to rotate around. As far as constructing a small kiosk it would be at the northeast corner and it will be basically big enough to house someone to sit and someone to fill out paperwork. That is it. I have the smallest site or the smallest office there is in Sunny Plaza. It would make things a lot easier for me having the two businesses much closer together as far as cleanliness because I wash all of the vehicles. So instead of running them back and forth it would be easier to have them next door. Also, having a business that would be able to survive there, I mean I don't know about how the rest of the town feels but having that thing closed or ... a constant turnover is no good for anybody. I resurrected the car wash that was there almost seven*

Kitty Hawk Town Council Minutes: April 7, 2014

Page 18

years ago now. I can take these jeeps and move them and hire somebody else and that is basically it. The jeeps are four door Wranglers. They are nothing that is an eye sore and there are seven spots. Construct a small kiosk and that is basically the total ambitions I have of the jeeps and it would make life a lot easier. As far as other people looking into it, it is a major endeavor to keep these vehicles clean. You can ask Junior Suttle. I wash all of his vehicles that he rents and as far as Beach Ready Auto, he has moved. They are across the bridge now. He has gotten out of the jeep business totally. He takes people on tours in Hummers so as far as Rich Brown jumping in; he is totally out of the jeep business. I bought all of his jeeps.

Perry: *The issue before us is when we do something like this it is not just your business but other businesses that might want to do it and whether it would be a good thing for the town or not. You are looking at it as your individual entity and what is necessary for you and I understand and appreciate that but we have to look at it on a bigger scale for the whole commercial district this involves and our decision will be based on that.*

Martin: *I understand but I still do not see the heartache if someone at the Dune Shoppes wanted to but there is not enough parking there. Or in any of the other strip centers that are here. There is just not the area to clean the vehicles. I was able to walk into Kill Devil Hills and fill out a piece of paper and walk out and park the jeeps there. I have kept exactly the word that I gave them with five jeeps. I have kept my word there for a year. I just want to move them to where my other businesses are in Kitty Hawk.*

Perry: *All right anyone else have a question? No? All right sir thank you. Anyone else wish to speak at this part of the public hearing? Let the record show no one else came forward.*

MPT Bateman made a motion, seconded by Councilman Pruitt, to go back into regular session. The vote was unanimous, 5-0.

Pruitt: *I threw the hundred and fifty vehicles out there for a worst case scenario because that is what we have to look at.*

Klutz: *Could I recommend changing the third condition from "not more than seven rental and/or customer vehicles may be simultaneously parked on the site" to "not more than seven rental vehicles may be simultaneously parked on the site"? Then you wouldn't have the problem with the potential for a larger operation.*

Perry: *You need to make a motion with that in it if that is what you want.*

Klutz: *I am asking if that would satisfy the council and if that would be workable for the applicant.*

Martin: *Yes ma'am.*

Kitty Hawk Town Council Minutes: April 7, 2014

Page 19

Klutz: *I move to adopt the proposed text amendment adding subsection 42-250(c)(34) allowing vehicle rentals as a conditionally permitted use in the Beach Commercial District One zoning district subject to conditions and as modified in the third condition which is subparagraph (c) not more than seven rental vehicles may be simultaneously parked on the site. Council would find that the proposed text amendment is consistent with the adopted CAMA Land Use Plan and finds these amendments to be in the public interest by creating greater opportunities for local businesses.*

Bateman: *I second but I cannot vote for this the way it is. I could vote for an Enterprise car rental coming in and taking a free standing building and a site plan and so forth and renting cars but I can't do it like this because I think you are opening the door. There are too many variables for me.*

Pruitt: *I think most people are going to be dropping off their vehicles on check in check out days and I think you are going to have people waiting for vehicles to be dropped off and this is going to create a ... if it is in a strip mall an inconvenience to some of the other tenants in the strip mall. As well as more confusion and a safe traffic flow through their parking lot and with so much confusion ... with multiple, three activities taking place on this one site. I agree if it was set up more as just a rental place I certainly wouldn't have a problem.*

Garriss: *I agree wholeheartedly with Ervin and Jeff.*

Bateman: *The other issue I have is we denied this one time from someone else. I know he's out of the business now or gone across the bridge and I would not feel right allowing this and denying that less than two years ago.*

Klutz: *The difference was that was an ancillary use or an accessory use to the repair shop. This is being handled differently as a conditional use.*

Perry: *It is being handled differently but it really has the same potential in the future and I think that is where most of you are going and I tend to agree to be perfectly honest. All right we have a motion to approve as put forth and I am going to call for the vote. All in favor?*

The vote was 1 in favor and 4 against the motion. Councilwoman Klutz voted for the motion.

Michael: *The motion that Emilie made was denied but you still have before you the original proposal that was sent to you so you need to do something.*

Councilman Bateman made a motion to deny the text amendment to the Kitty Hawk Town Code by adding subsection 42-250(c)(34) allowing vehicle rentals as a conditionally permitted use in a Beach Commercial BC-1 zoning district subject to certain conditions. Councilman Garriss seconded the motion and the vote was 5-0.

9. Planning:

a.) Site Plan Review: Hurricane Mo's Deck Addition, 120 E. Kitty Hawk Road-Application for site plan approval to add a two-story deck with a roof and connecting covered walkway at Hurricane Mo's, 120 E. Kitty Hawk Road. The proposed expansion would add 1,152 square feet of decks (576 square feet on each level) and an approximately 60 square feet of covered walkway between the deck structure and the existing restaurant.

Heard: *In this case the applicant is requesting approval of a site plan that proposes to add a deck as well as a small covered walkway that would connect to the existing restaurant. The expansion in total would add 1,152 square feet of decks, 576 square feet on each level and approximately 60 square feet of covered walkway between the deck structure and the existing restaurant. The applicants have stated their intent is to use the lower deck as a customer waiting area and the upper deck would be a typical restaurant type of use with tables and seating with eating and drinking.*

I want to show a set of sketch plans for the building that an architect prepared showing the different elevations. This is what we are talking about and is looking from the south from Kitty Hawk Road. You can see two levels and then a roof on top. The total height of the building would be somewhere between 29 and 30 feet, in that range, from the ground to the peak of the roof.

Subject property is 1.24 acres in size and presently zoned beach commercial and all of the properties directly adjoining or directly across the street are also zoned beach commercial. Parcels directly to the east of the site are used for residential purposes but are zoned commercially.

The total lot coverage is 44.7%. This project would add approximately 64 square feet of impervious surface in the area of the covered walkway and remove approximately 204 square feet of turf stone parking area around the deck structure. The deck structure is being built over an existing turf stone parking area and will not increase the lot coverage. In total the amount of lot coverage would be reduced by approximately 140 square feet resulting in lot coverage of approximately 24,050 square feet. The maximum lot coverage in this district is 60% and this project complies.

The building height is well within the 35 feet required. Concerning access you can see two existing driveways accessing the site. This would not affect traffic flow with the exception that no one would be able to park in this area anymore. As mentioned there would be three turf stone parking spaces that were in a non-conforming location in this corner of the property and those would be removed. Even with the removal of those three the site would still contain 45 parking spaces and complies fully with the parking.

Kitty Hawk Town Council Minutes: April 7, 2014
Page 21

One of the other questions that might come up relates to a provision of a buffer. As I mentioned a residential use adjoins this property and because it is also zoned BC-1 the buffer requirement does not apply in this case.

You will note the proximity of this project to the ocean to the east and it is very clearly in a flood zone that has an elevation requirement of 11 feet by the time we add our 1 foot freeboard. With this type of structure we did some research and found with the lower level being limited to a waiting area, not a service area, it is permitted even though the level of that deck would more than likely be below the flood elevation. It must remain open so it cannot be enclosed with walls or plastic. As long as it remains open it would comply with the standards according to our contacts with the state and FEMA. The upper deck would be well above that level and there would be no issue.

Presently it does not appear there are any stormwater management improvements in this area of the property that would serve this proposed addition and the applicant has not proposed to make any additional improvements in that regard. You also have a copy of a report prepared by Joe Anlauf who is serving as the town's consulting engineer for this project and he has covered some things related to stormwater management. There are different ways you could look at this issue as a council. To summarize, there may or may not be an increase in a need to manage stormwater depending on how you calculate it. However, no matter which way you look at it, there would be a change in the way that stormwater management happens because you are adding ... right now the water is hitting the ground and eventually soaking in. With the construction of this roofed structure you have four sides and it is traveling in each direction. That water is now running off the roof in four different directions so that will change the way stormwater occurs. A summary of the planning board's take on this is after evaluating this stormwater management situation with the applicant and Mr. Anlauf the planning board decided that any stormwater impacts would be minimal in nature and unlikely to affect adjoining properties so the board members did not find it necessary to recommend any improvements accommodating stormwater.

At their meeting on March 13th the planning board voted unanimously to recommend approval of the site plan proposal with a number of requirements. For the record, and maybe to make your ultimate motion easier, I will go over those so you can reference them. The remaining recommended conditions would be: 1) the lower level of the deck structure can only be used as a waiting area for customers; 2) the lower level of the deck structure cannot be screened or enclosed in any manner other than railing; 3) if any exterior lighting is to be added as part of the project a lighting plan must be approved by the Planning and Inspections Department prior to the issuance of a building permit; 4) that an as built survey, building height certification and flood elevation certificate must be submitted and approved prior to the issuance of a certificate of occupancy. That completes my presentation but I would certainly be glad to answer any questions or provide more detail if necessary.

Kitty Hawk Town Council Minutes: April 7, 2014

Page 22

Perry: *Mr. Anlauf, the neighbor there to the east has complained to the police department on numerous occasions about parking and things of that nature so there is a potential for some contention. In your report on page four, second paragraph, you note the hip style roof will change the runoff and this may have an adverse impact on the neighbor to the east. Next paragraph says no collection and conveyance system has been proposed to offset that. I am concerned about the potential for this to cause a problem. Will it or will it not cause a problem to the neighbor?*

Anlauf: *The potential for a problem exists. Will it actually? In a clean, sandy soil it will penetrate rather quickly. There is some potential for runoff to be directed from that roof and the adjacent neighbor may look at it and say that roof runoff is pitched toward his property.*

Perry: *Is there a mechanical fix such as gutters or something to take care of it?*

Anlauf: *A gutter will send it to a location to keep it on site.*

Perry: *If the applicant were to add that to the list of conditions then council and the town would not have that potential problem.*

Anlauf: *That is one way to solve it very simply.*

Perry: *Anyone else? (No one else had any questions.) All right we have a site plan review ready for a motion.*

Councilman Bateman moved to grant approval of the site plan for the two story deck addition to Hurricane Mo's at 120 East Kitty Hawk Road subject to the following conditions: 1) the lower level of the deck structure can only be used as a waiting area for customers; 2) the lower level of the deck structure cannot be screened or enclosed in any manner other than railing; 3) if any exterior lighting is to be added as part of the project a lighting plan must be approved by the Planning and Inspections Department prior to the issuance of a building permit; 4) an as-built survey, building height certification and flood elevation certificate must be submitted and approved prior to the issuance of a certificate of occupancy; and 5) a gutter to be placed on the east side of the hip roof.

Perry: *Is the applicant here?*

Merritt Hooper: *I am the builder of record for Hurricane Mo's and I'll answer any questions you have.*

Perry: *Do you have any problem with that addition?*

Hooper: *I don't have any big problem with it. I don't think it is necessary though.*

Kitty Hawk Town Council Minutes: April 7, 2014
Page 23

Perry: *We're just trying to prevent a problem.*

Hooper: *Particularly if you're saying just on the east side. It shouldn't be any problem.*

Perry: *We have a motion do we have a second?*

Councilman Garriss seconded the motion and it passed unanimously, 5-0.

10. New Business:

a.) Award of Bid for Poseidon and Goosander Area Streets Emergency Pumping Facility – It is recommended to award the bid to Hatchell Concrete, Inc. in the amount of \$68,926.

Perry: *John before you start do we have the easements needed?*

Stockton: *We are in the process of getting the easements. I talked to the owner the other day and he was going to sign off on the easement agreement and have it notarized and send it to me.*

Perry: *There was a potential for an easement on the east side of 12 and then one where the sump was going to go.*

Stockton: *On the east side is within the right-of-way.*

Manager Stockton reported staff solicited bids for the Poseidon and Goosander Area Streets Emergency Pumping Facility in February and bids were opened on March 26th. The bids were opened by John DeLucia of Albemarle and Associates and witnessed by Finance Officer Charlene Allen, Public Works Director Willie Midgett and Town Clerk Lynn Morris. The project consists of installing a collection sump basin on the property at 3612 Poseidon Street, installing 750 linear feet of 12" cement lined ductile iron pipe down Poseidon Street and up Tateway Road and ending at a point on the east side of NC 12 with an 8" standpipe.

Four bids were submitted for the project. Eastern Carolina Construction for \$97,250; Barnhill Contracting Company, \$88,215; RPC Contracting Incorporated for \$74,780 and Hatchell Concrete Incorporated for \$68,926.

The bids have been reviewed by Mr. DeLucia and he recommends awarding the contract to Hatchell Concrete Incorporated with the low bid of \$68,926. Mr. DeLucia is also recommending a \$4,000 contingency be added to cover the cost of any unforeseen subsurface conditions. Adding \$4,000 for contingency would make the approved amount \$72,926. The engineer's estimate was \$64,000 and the Powell Bid fund, which has a balance of \$458,351, will be used for this particular project.

Mayor Perry asked if there were any questions. Hearing none he asked for a motion.

Councilwoman Klutz made a motion to approve the bid submitted by Hatchell Concrete Incorporated with a price of \$68,926 plus \$4,000 for contingency for a total approved amount of \$72,926 for the Poseidon and Goosander Streets Emergency Pumping Facility and said funds are to come from the Powell Bill fund. Further authorization is for the town manager to sign and town clerk to attest the contract for the project. Councilman Pruitt seconded the motion and it passed unanimously, 5-0.

b.) Planning Board – Due to a resignation an appointment to the board is needed.

MPT Bateman made a motion to appoint Bryan Parker to the unexpired term of Dick Fagan. The term of office expires June 2014. Councilman Pruitt seconded the motion and it passed unanimously, 5-0.

Councilwoman Klutz made a motion to appoint Russ Eriksen as alternate to the unexpired term of Bryan Parker with a term to expire 2015. Councilman Pruitt seconded the motion and it passed unanimously, 5-0.

c.) Amendment to the Town Code: Chapter 10, Emergency Management – Updating of Sections 10-19 through 10-26 is suggested so as to comply with State Statutes.

Stockton: I recently attended a workshop on emergency management law and it was suggested that localities review their emergency management ordinances to see if they comply with state statutes. After reviewing the town ordinance Chapter 10, Emergency Management, sections 10-19 to 10-26 were found to need updating. The proposed changes are from Attorney Michael and me. This would basically bring us into compliance with state statutes. In case there is an emergency we should not have any problems with reimbursement of funding for that particular situation.

Perry: I also attended and was educated quite a bit by what we can and shouldn't do. One of the things that came up was if we do something like a curfew or ban something such as alcohol or movement we want to be sure to notify the police department so there is no confusion. That apparently has been an issue. We can also ban things like carrying dangerous, incendiary weapons but not lawfully possessed firearms, handguns, rifles and shotguns and ammunition.

Klutz: Throughout this document "proclamation" was changed to "declaration" except in one spot and I was wondering if that was an oversight.

Michael: It should be declaration.

Klutz: So that was just an oversight. Then in reading section 10-22 about evacuation orders I got the impression this is being given to a municipality because it talked about the mayor. The county does all of that for us don't they?

Kitty Hawk Town Council Minutes: April 7, 2014

Page 25

Perry: *But we have the authority to do it. There may be an occasion where I suppose the town would have to do something like that.*

Klutz: *In 10-21(g) it talks about having declarations expire after five days. Is it necessary to put something in here that says declarations must be renewed after day five if they are still needed? There was one paragraph that said they automatically expired.*

Michael: *We blended what you had in your old ordinance with the new suggestions. We didn't take everything out and that was something that had been decided before.*

Klutz: *We just have to remember that these things are expiring and would have to renew. There is nothing in here about doing that.*

Michael: *If it expires you have to renew it.*

Klutz: *If it was still applicable but I guess what I am wondering is would we remember on day six that it expired yesterday?*

Michael: *Hopefully things will have changed in five days.*

Klutz: *That was the only thing I wondered about if there is an addition that should be made to this that basically specifies that you would have to do that after five days.*

Perry: *You might issue it for a set period of time such as five days but if the event is over before then you can undo it and should. I mean you are doing it for some supposed period of time.*

Klutz: *You would be looking at all of the declarations that are in force every day to see which ones have to be renewed or which ones should be cancelled and that would be the modes operandi then.*

Perry: *It gets a little complex because we are part of a whole with the county and even though we have that authority really the county is the guiding light.*

MPT Bateman made a motion that the amendments to the Chapter 10, Emergency Management, sections 10-19 to section 10-26 be approved. It was further moved that the mayor and the town clerk be authorized to sign the ordinance. Councilman Garriss seconded. Councilwoman Klutz noted to change the word mentioned earlier. Council was in agreement. Vote was unanimous, 5-0. (Ordinance No. 14-05)

d.) Petition to Reduce Speed Limit on Lillian Street – The current speed limit on Lillian Street is 35 miles per hour and the petition is requesting it be lowered to 25 mph.

Perry: *We have a petition to reduce the speed limit and to be perfectly honest I didn't think you could drive more than 25 on Lillian Street but apparently you can. Steve can we do this by a motion of council?*

Kitty Hawk Town Council Minutes: April 7, 2014
Page 26

Michael: *You will need a motion and since this is the first time it appears on your calendar it will take four votes to adopt the ordinance.*

Councilman Pruitt asked if other streets in that neighborhood should be reduced also. After a brief discussion with Police Chief Johnson it was decided not to change any other streets at this time. Chief Johnson would monitor it and address council in the future if there are any problems.

Councilwoman Klutz moved to modify the town code to reduce the speed limit on West Lillian Street to 25 miles per hour. MPT Bateman seconded the motion and it passed unanimously, 5-0. (Ordinance No. 14-06)

e.) Capital Improvement Plan Fiscal Years 2015 to 2019 Approval (Removed)

11. Reports or General Comments from Town Manager

a.) Update on the Beach Nourishment Storm Damage Reduction Project – Manager Stockton reported Coastal Planning and Engineering has completed 2.7% of the scope of work as of March 1, 2014. During the month of February CP&E completed an outline of the environmental documents and began what they call the overtopping analysis and began the process of calibrating their model for vulnerability analysis. They also continued coordination with subcontractors and the Bureau of Ocean Energy Management. In March CP&E completed the calibration of their software and continued the progress towards the offshore sand search. The aim is to get the sand search completed. CP&E also received authorization from the Bureau of Ocean Energy Management to conduct the geophysical survey which is needed prior to the beginning of the sand search. CP&E anticipates the beginning of the geophysical survey shortly after April 8th. According to the schedule provided by Coastal Planning and Engineering they are on track.

b.) CAMA Grant for Lillian Street Beach Access Parking – Manager Stockton mentioned that Planning Director Heard received a call from CAMA last week informing him the town has been selected to receive a public beach access grant in the amount of \$52,941 for the Lillian Street Beach Access Parking Expansion project. The mayor should be receiving a letter from Governor McCrory's office sometime in the next few weeks explaining this. Staff plans on applying for a matching grant of \$17,647 from the Outer Banks Tourist Bureau in September.

12. Reports or General Comments from Town Attorney

There were no further comments from Attorney Michael.

13. Reports or General Comments from Town Council

There were no further comments from council.

Kitty Hawk Town Council Minutes: April 7, 2014
Page 27

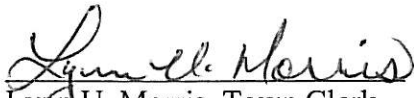
14. Public Comment

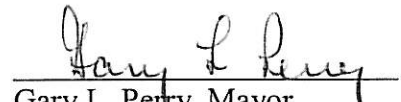
There were no further public comments.

15. Adjourn

MPT Bateman made a motion to adjourn. (There was no second.) Vote was unanimous, 5-0. Time was 8:24 p.m.

These minutes were approved at the May 5, 2014 council meeting.


Lynn U. Morris, Town Clerk


Gary L. Perry, Mayor